

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1-4 have been replaced by new claims 5-8 to clarify the features of the present invention. The new claims are deemed to be supported at least by page 10, paragraph [0017] to page 13 paragraph [0022] of the present application.

Claims 1-4 stand rejected under 35 USC 102(e) as anticipated by Uchida (USPN 6,532,364). To the extent that this rejection may be applied against the amended claims, the Applicants respectfully traverse based on the points set forth below.

New independent claim 5 recites features of controlling generation and transmission of a downlink channel quality indicator (CQI) based on a change timing of a destination base station apparatus of the downlink CQI from a first base station apparatus to a second base station apparatus. The technique includes detection of the change timing and stopping one or both of generating and transmitting a downlink CQI when the change timing occurs between the measurement start timing for the reception quality and the transmission end timing for the downlink CQI and when the detection timing for the change timing in the detector occurs between the measurement start timing and

the transmission end timing. New independent claim 6 recites similar features with respect to a method.

The above-noted features provide advantages of allowing efficient performance of processing related to the downlink CQI, reducing unnecessary power consumption and reducing interference against other mobile stations.

With respect to the detection and control features of the original claims, the office action cites col. 13, line 60-col. 14, line 9 and col. 12, lines 54-62 of Uchida as disclosing determining a timing delay based on channel quality, in a handover and cites column 13, line 60 to column 14, line 25 and col. 14, lines 10-25 as teaching controlling handover based on channel quality.

The Applicants respectfully submit that the cited sections of Uchida have little or nothing to do with the above-noted features of the present claimed invention.

The cited sections of Uchida relate to Fig. 4 which illustrates an information transmission time difference which relies upon a transmission route difference between adjacent radio base stations upon hand-over. In particular, Uchida discloses a mobile station that, in a handover transition from a switching source base station to a switching destination base station, receives the frame transmitted by the switching

destination base station later in time with respect to the frame transmitted by the switching source base station, decodes the serial numbers allotted in units of a frame to detect the arrival time difference between the frame transmitted from the switching source base station and the frame transmitted from the switching destination base station (see Uchida, column 13, line 60 to column 14, line 25).

Even if it were assumed *arguendo* that the office action were correct with respect to its proposals that the cited sections of Uchida teach determining a timing delay based on channel quality, in a handover, and controlling handover based on channel quality, this still would not anticipate the subject matter of the present claims which are directed to stopping one or both of generating and transmitting the downlink CQI when the change timing occurs between the measurement start timing and the transmission end timing and when the detection timing of the change timing in the detector occurs between the measurement start timing and the transmission end timing.

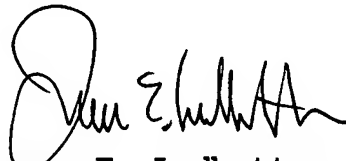
Accordingly, the Applicants respectfully submit that present claim 5 is novel and unobvious over Uchida. For similar reasons, method claim 8 is likewise deemed to be novel and unobvious over Uchida.

For at least the above reasons, the Applicants respectfully submit that independent claims 5 and 8 are allowable over the teachings of Uchida et al. Claims 6 and 7 are deemed to be allowable at least due to their dependence from allowable independent claim 5.

Accordingly, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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